

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. 1:25-cv-23182

C.M., et al.,

Plaintiffs,

v.

Kristi Noem, Secretary of the United States Department of Homeland Security, in her official capacity, et al.,

Defendants.

[PROPOSED REVISED] TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION

Upon consideration of Plaintiffs' expedited motion for a temporary restraining order and preliminary injunction, supplement to the motion, and any opposition, reply, and further pleadings and argument thereto;

Having determined that Detained Plaintiffs C.M., Michael Borrego Fernandez, J.M.C., and E.R., and the class are likely to succeed on the merits of their claims under the First Amendment and the Due Process Clause of the Fifth Amendment, and that Organizational Plaintiffs Florida Keys Immigration Law, Law Offices of Catherine Perez PLLC, Sanctuary of the South, and U.S. Immigration Law Counsel are likely to succeed on the merits of their claim under the First Amendment, that Plaintiffs will suffer irreparable injury in the absence of injunctive relief, and that the balance of hardships and public interest favor relief, the Court therefore FINDS that relief is needed. Therefore,

1. IT IS ORDERED that Plaintiffs' Motion for Temporary Restraining Order and Preliminary Injunction is hereby GRANTED.
2. IT IS FURTHER ORDERED that Defendants Noem, DHS, Lyons, ICE, and Ripa ("DHS Defendants") and Defendants DeSantis, Green, Guthrie, and FDEM ("Florida Defendants"), their agents, representatives, contractors, and any other persons or entities acting in concert with them, are hereby:
 - a. ORDERED, pending further order of this Court, to provide scheduled, timely, free, confidential, and unmonitored legal telephone and/or videoconference calls to all persons who are or will be detained at the facility known as "Alligator Alcatraz";
 - b. ORDERED, pending further order of this Court, to provide sufficient private, confidential in-person visitation spaces to conduct timely in-person legal visits to all persons who are or will be detained at Alligator Alcatraz;
 - c. ORDERED, pending further order of this Court, to provide a method for all persons who are or will be detained at Alligator Alcatraz to place timely, free, confidential, and unmonitored outgoing legal calls;
 - d. ORDERED, pending further order of this Court, to provide all persons who are or will be detained at Alligator Alcatraz with a method for timely and confidential document exchange with their legal counsel;
 - e. ORDERED, pending further order of this Court, to provide and post in locations accessible and visible to detainees written information about protocols for attorney-client communication in English, Spanish, and Haitian Creole to all people detained by Defendants at Alligator Alcatraz;

- f. ORDERED, pending further order of this Court, to make publicly available via Defendant Immigration and Customs Enforcement and/or State of Florida websites information about protocols for attorney-client communication at Alligator Alcatraz via in-person meeting, telephone, videoconference, fax, email, mail, and/or courier service, and to provide this information to all persons who are or will be detained at Alligator Alcatraz.
3. IT IS FURTHER ORDERED that DHS Defendants, their agents, representatives, and all persons or entities acting in concert with them shall accurately update the location of detainees held at Alligator Alcatraz in Defendant ICE's Online Detainee Locator System within 24 hours of their transfer to the facility;
4. IT IS FURTHER ORDERED that Defendants Owen and Executive Office for Immigration Review (“EOIR”) (collectively “EOIR Defendants”) and DHS Defendants and their agents, representatives, and all persons or entities acting in concert with them shall, within 24 hours of this order, identify an immigration court that has jurisdiction over detainees held at Alligator Alcatraz, inform Plaintiffs’ counsel, and publicize such information on EOIR’s website; and that the specified immigration court promptly accept and schedule hearings for petitions for bond by those who are or will be detained at Alligator Alcatraz within 48 hours of this order;
5. IT IS FURTHER ORDERED that all Parties shall appear at a virtual status conference on _____ date and _____ time, during which time all Defendants shall clarify which entities have custody over the immigrant detainees held at Alligator Alcatraz, and the legal basis for their custody;

6. IT IS FURTHER ORDERED that all Defendants shall provide and file with the Court, with their response briefs to the Plaintiffs' Motion for Temporary Restraining Order and Preliminary Injunction, copies of any intergovernmental agreements that form the basis of Defendants' authority to detain Plaintiffs and proposed class members at Alligator Alcatraz.
7. IT IS FURTHER ORDERED that Plaintiffs shall not be required to furnish security for costs.

Entered on _____, 2025.

Hon. Rodolfo A. Ruiz, II
United States District Court Judge